

MYTHS AND FACTS ON GUN CONTROL

MYTH: Guns don't kill people, people kill people.

FACT: People without guns injure, people with guns kill.

- Gunshot wounds are 15 times more deadly than those from knives and far more deadly than those from weapons such as clubs or fists.¹ Reducing the accessibility of guns may not reduce the number of violent confrontations, but it will reduce the risk of fatal outcomes.²
- It takes a less well formed motive to commit murder with a gun than with any other weapon, because of the physical and psychological distance between the aggressor and victim.³

MYTH: Gun control legislation does not reduce gun violence.

FACT: Gun control saves lives.

- Despite similar overall rates of criminal activity, the homicide rate is higher in Seattle than Vancouver. This is explained by the rate of murder with handguns which is almost five times higher in Seattle. The rate of assault involving firearms is seven times higher in Seattle than in Vancouver.⁴
- Gun homicides and gun assaults paralleled gun ownership in seven major U.S. urban centers, according to inter-city and inter-region (same place, different time) analysis.⁵
- Following the 1978 Canadian gun control legislation, there was a decrease of the percentage of homicides involving guns (1976: 39% of the 668 homicides; 1988: 29% of the 575 homicides) and the percentage of robberies involving firearms (1976: 39% of all robberies; 1988: 25% of all robberies).⁶

MYTH: Motor vehicles are more lethal than guns.

FACT: Guns are more lethal on a per-use basis.

- Less than 3000 motor vehicle occupants died in 1986 in Canada.⁷ Cars are used by a vast majority of Canadians almost every day of the year. More than 1400 Canadians died from bullet wounds in 1987.⁸ Hunting is practiced by less than 9% of the population 16 years or older,⁹ usually on an occasional basis.
- Motor vehicles are more regulated and taxed than guns.

MYTH: What is needed is crime control, not gun control.

FACT: Easy access to guns contributes to crime.

- Most homicides in Canada are committed with firearms (33%). Sharp instruments are the second most common means.⁸
- The majority of firearm homicides in Canada involve hunting rifles and shotguns (61%). Handguns account for 30%. Prohibited firearms account for 2%.⁸
- Most homicide victims are killed in the course of an argument, usually by someone they know, and often by spouses or other family members¹⁰ (in Canada: 64.5%)¹¹. In family murders, shooting is the single most common cause of death¹².

MYTH: People need guns for protection.

FACT: A home is safer without a gun.

- For every case of "self-protection homicide", there are 1.3 accidental deaths, 4.6 criminal homicides and 37 suicides.¹³
- A loaded firearm in the home is six times more likely to cause an accidental death than to kill an intruder.¹³

MYTH: The risk associated with guns does not justify further inconvenience for legitimate gun owners.

FACT: The cost of guns to society cannot be compared to a minority's inconvenience.

- Total deaths by firearms: 1432 in 1987.⁸
- Suicides with firearms: 1126 in 1987.⁸
- Homicides involving firearms: 193 in 1987.⁸
- Accidental deaths involving firearms: 60 in 1987.⁸
- Undetermined cause of death with firearms: 53 in 1987.⁸
- Robberies with firearms: 6442 in 1989.¹⁴
- Hospitalized injuries by firearms: 1300 in 1985-86.¹⁵

713

**RECOMMENDATIONS TO THE SPECIAL PARLIAMENTARY COMMITTEE OR TO THE JUSTICE MINISTER
WITH RESPECT TO THE UPCOMING GUN CONTROL LEGISLATION**

- (1) **Total ban on para-military weapons with no grandfathering clauses**
New bill includes grandfathering clauses for existing para-military weapons: owners can register as collectors (see 16).
- (2) **Raising the age to buy guns to at least 18**
New bill requires parental consent for 16 or 17 year old applicants for a FAC, but not for each gun purchased with FAC.
- (3) **Restricting semi-automatic weapons**
Not addressed.
- (4) **Ban on semi-automatic weapons**
Not addressed.
- (5) **Registration of unrestricted weapons**
Not addressed.
- (6) **Requiring permit to buy ammunition**
Not addressed.
- (7) **Increased screening of FAC applicants**
Applicants for FAC needs a photograph and two references. (Applicants must pass a competence course or test for first FAC.)
- (8) **One Gun per permit**
Not addressed. (FAC valid for an unlimited number of unrestricted weapons.)
- (9) **Safe storage**
Regulations for safe storage will be defined by Canadian Advisory Council on Firearms.
- (10) **Depositories**
Not addressed.
- (11) **Treating gun ownership as a privilege: applicant to sign a waiver allowing thorough background check**
Not addressed. The burden of proof is still on the firearms officer to justify refusal to issue a FAC to an applicant.
- (12) **General amnesty**
Would be possible. Up to Governor in Council.
- (13) **Declaring sharp point armour piercing and explosive tip ammunition as "prohibited weapon"**
Only ammunition for prohibited weapons would be prohibited.
- (14) **Restriction on clip size**
Regulations will specify types and limits. Proposed: 10 for semi-automatic pistols, 5 for semi-automatic rifles and shotguns. No limit for certain competition shooters.
- (15) **Expansion of mandatory prohibition to a greater scope of people**
Courts would be allowed to consider prohibition for additional offenses. (No mandatory prohibition.)
- (16) **Definition "gun collector"**
Anyone who has or seeks one or more related firearms, has knowledge of, safely stores and records the guns according to regulations.

These groups are strongly supportive of the specified recommendations:

Canadian Association of Chiefs of Police:	1, 12, 13
Canadian Criminal Justice Association:	1, 2, 8, 9, 11, 12
Canadian Police Association:	1, 5, 6, 8, 9, 10, 11, 12
Caucus of Big City Mayors:	4, 5, 6, 8(limit), 9
Coalition for Gun Control:	1, 2, 3, 5, 6, 7, 8, 9, 11, 14, 15, 16
Quebec Hospital Association:	1, 5, 6, 8, 9, 14, 16
Students of Polytechnique:	1, 2, 3, 5, 6, 7, 8, 9, 11, 15, 16



Gun Control: A Canadian Perspective

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TABLE OF CONTENTS

INTRODUCTION

I GUN CONTROL WORKS

Background

Gun ownership is a privilege

The presence of guns is costly

Access to guns is the problem

II FEDERAL IMPROVEMENTS NEEDED

Acquisition Process

Controls on Weapons and Ammunition

Distribution, Sale and Storage

Related Matters

III EDUCATION

CONCLUSION

REFERENCES

Available
on Request.

Appendix I - Agenda for Safer Cities, Alliance Against Violence etc.

Appendix II - Canadians for Gun Control

Appendix III - Assault Weapon Legislation

Appendix IV - Gun Culture: Guns and Ammo, excerpts, January 1991

Soldier of Fortune Magazine, June 1990

- National Firearms Association "What Canada Needs is Crime Control Not Honest Citizen Control" April, 1991



INTRODUCTION

Gun control is not a panacea for violence in Canadian society. Primary prevention is critical. The Canadian Criminal Justice Association's : Safer Communities: A Social Strategy for Crime Prevention in Canada highlight the broad range of socio-economic issues which must be addressed to combat violence in general. (see appendix 1). There is a tremendous need to change values and culture in order to reduce violence. (The Church Council on Justice and Corrections, 1988) In addition, it is clear that children who grow up with violence are more likely to be violent and early intervention is needed to break the cycle.

However, criminologists, physicians and the police agree that access to guns is a factor in violent crime and that access to guns in Canada has a high cost in terms of human life and law enforcement. Stricter gun control will reduce the deaths and injuries due to firearms and the use of guns in crime. While there are legitimate uses of firearms in Canada, there is also an attachment to guns which is based on a culture and system of values which should be questioned. The role of the media should not be overlooked in the discussion. Yet the current debate about gun control legislation in Canada has focused on preserving the interests of gun owners rather than those of the general public.

At the federal level the proposed Bill C-80 was a step in the right direction but was not strict enough. The Special Committee on Bill C-80 recommended some improvements but ignored several key issues. Gun owners were accommodated at the expense of the general public based on the flawed assumption that owning a gun somehow makes one an expert in gun control. Gun related crime, murders, suicides and accidents are not strictly an urban problems. However urban interests have not been adequately considered. Pierrette Vennes, Progressive Conservative member for the Montreal suburb of Ste. Hubert refused to sign the report of the Special Committee because "[The committee] over represented the interests of rural communities at the expense of the urban population of Canada ... Given the composition of the committee, it was not possible to obtain a report favoring tougher gun control." The only other committee member representing an urban centre, NDP Justice Critic Ian Waddell also criticized the committee report.

Ironically, the demands for tougher gun control have come from a wide range of experts. The Canadian Association of Chiefs of Police, The Canadian Police Association, The Canadian Medical Association, The Quebec Hospital Association, The Canadian Bar Association, and The Canadian Criminal Justice Association have all argued for gun control which went beyond the provisions of Bill C-80. The De Coster Committee which investigated the December 6th murders at l'Ecole Polytechnique called on the public to continue pressuring the federal government: "Recommandation 136: Nous incitons la population a maintenir ses pressions aupres du gouvernement canadien afin de limiter l'accès aux armes a feu".

Better gun control is urgently needed. All levels of government should do what is in their power to reduce access to guns. As the federal government is currently formulating new gun control legislation, we must send a clear message to Ottawa calling for tougher laws.



I. GUN CONTROL WORKS

BACKGROUND

On December 6th a man shot 27 people at l'Ecole Polytechnique with a legally acquired, powerful semi-automatic assault weapon. Fourteen women died. December 6th drew national attention to the inadequacies of gun control in this country. However, many groups have argued for stricter laws over a number of years. The problems associated with easy access to firearms have been well documented and argued by experts including criminologists. (Davies, 1989), police. (Crampton, 1987) physicians (Sloan, 1988) and mental health professionals (McLaughlin, 1990). Despite the claims that "guns don't kill, people do", it has been shown that access to guns is a major factor in gun related crime and accidents (Sloan, 1988). A total of 1379 Canadians were killed with guns in 1987.

Bill C-80 was regarded by many as a compromise, and the strong opposition of the gun lobbies to even its mild improvements has alerted many Canadians to the need for a stronger voice for gun control. Canadians for Gun Control was formed in June 1990 to provide a forum for exchange and dissemination of information about the appropriate role of firearms in Canadian society and approaches to control. Our position has been developed after extensive research and consultation with experts on gun control and violence including criminologists, the police and medical experts. We have over 2000 members from across the country some of whom own guns. (See appendix 2)

GUN OWNERSHIP IS A PRIVILEGE

There is no right to bear arms in Canada. While there are legitimate uses of guns, we believe that the interests of gun owners must be subordinated to the safety of Canadians. Over 90% of Canadians do not own or use guns. While there are an estimated 6 million guns in this country, they are concentrated in the hands of under 10% of Canadians (Chapdelaine, 1990)

Despite the outrageous claims that there are 6 - 8 million gun owners in Canada, the empirical evidence available suggests the number is between 2 and 2.5 million. In a 1987 survey by the Department of the Environment, it was found that 1.7 million Canadians hunt. Hunters are by far the largest group of gun owners but there are perhaps an additional 500,000 target shooters and collectors.

A recent Angus Reid poll indicated that 80% of Canadians support tougher laws. Higher percentages of women (88%) and Quebecers (90%) support tougher restrictions but even among the male population there is considerable support (72%).

Almost 600,000 people signed a petition initiated by students at l'Ecole Polytechnique calling for increased restrictions. The petition focused on a ban on semi automatic weapons and later a ban on assault weapons.

Many Canadians would support a total ban on gun ownership. Canadians for Gun Control respects the rights of aboriginal peoples and has made an effort to accommodate the interests of hunters and target shooters. Our proposals are a compromise. We believe the legislation should serve the will of the majority but can accommodate, where possible, the interests of responsible gun owners.



Many gun owners, who have examined Bill C-80's provisions and our recommendations, accept them as offering benefits and posing only minor inconveniences. While some gun owners object to specific clauses, there has also been opposition aroused due to misunderstanding and misinformation about the contents of the proposed legislation. For example, many letters have been written to oppose an imagined ban on all sporting firearms (see letter from Nick A Jerch in National Firearms Association, appendix IV). Such a ban was not included in Bill C-80, nor in the recommendations of Canadians for Gun Control, nor in any of the proposals for gun control of which we are aware. However, some gun lobbyists have used such scare tactics to generate opposition to even mild attempts to improve gun control.

THE PRESENCE OF GUNS IS COSTLY

Deaths from Firearms

In 1987, over 1300 people were killed with guns. These included 200 homicides, 22 accidental shootings, and 1123 suicides with firearms. (Chapdelaine, 1990) An equal number were injured. The gun lobby argues: "Automobiles kill more people than guns." They do - about five times as many people are killed in auto accidents annually, but less than 10% of Canadians use guns, mostly on an occasional basis. In contrast, most Canadians use automobiles, often every day. Add to the deaths the enduring physical and psychological costs of survivors of gun incidents and it is clear that the restrictions on gun ownership and the resources devoted to controlling guns in this country are not currently commensurate with the threat they pose. Dr. L. Lavoie, President of the Canadian Medical Association says: "We urge the Special Committee, in its deliberations, to recognize that the ready availability of guns and their misuse constitute a major public health hazard and to institute all steps necessary to minimize such hazard." (Lavoie, 1990)

There is no estimate of the incremental cost of policing and security required in this country owing to the presence of guns but it is considerable. It is well known that in England, most police are unarmed largely because of the infrequency with which they confront armed criminals. Concerns have been expressed by police in Canada that they are "out armed" by criminals.

Homicides

We are not only concerned about the increasing use of guns by professional criminals, but also with their role in homicides where there is usually an intimate relationship between the perpetrator and the victim. Firearms are used in over 30% of homicides in Canada and most of the guns used (86%) are legally owned. While the gun lobby has argued that a motivated murder will find a way to kill - with knives, golf clubs or chain saws - the fact remains that guns are a particularly efficient method of killing. One third of victims shot with guns will die. They are also easy to use and rather impersonal. Medical experts have argued that a less well formed motive is required to shoot someone than to beat someone to death. In effect, access to guns makes it easier to become a killer.

According to the Canadian Centre for Justice Statistics, rifles and shotguns are used in over 60% of homicides involving firearms. In addition, rifles and shotguns are more frequently used to kill women and children in domestic situations, largely because of their accessibility. Women account for one third of all victims of murders committed with guns. They account for under 5% of the murderers. Women are 6 times more likely to be killed with a gun than they are to shoot anyone.

Children are also at risk in domestic situations. In the United States, they are often unintended victims of



cross-fire. In one eight day period last year, 4 children in New York were killed, prompting the sale of back-to-school bullet proof vests. (Butler, 1990)

Accidents

Children are often casualties of accidents involving legally owned weapons in the home. On January 6, 1989, an 11 year old boy in Vanier, Ontario was killed while playing with his father's gun. On February 17, 1989 in Scarborough, Ontario, a 15 year old was placing a hunting rifle on the rack when it discharged killing his 13 year old brother. In July 1989 a 14 year old took his father's gun and killed a friend. (Davies, 1989). In January 1990 in North Preston, NS a 5 year-old was shot dead by a 6 year-old with a rifle. In October 1990, an 8 year old Alberta boy killed himself with a .44 Magnum he was using at a local gun club. He was bracing himself against his step-father when he shot himself in the face. (The Gazette, October 1990) Children are seldom shot with guns belonging to their mothers.

Because they are more easily accessible, rifles and shotguns are involved in the majority of accidents. Again limited access and safe storage would reduce this problem.

GUN CONTROL REDUCES VIOLENT CRIME

Empirical Studies Show Link

We know that gun control is not a panacea for all that ails Canadian society, yet we believe that there is strong evidence to support arguments that gun control does reduce violent crime. Studies in Canada and elsewhere show that a decline in violent crime has accompanied improvements in gun control. Canadian Bar Association President, Wayne Chapman, maintains that: "It is the opinion of the Canadian Bar Association that the existing gun control regime has indubitably reduced the criminal misuse of firearms" (Canadian Bar Association, 1991). Further controls will result in a further decline.

Easy access to guns is recognized as the major factor in the US murder rate, the highest in the Western world. A comparison of Vancouver and Seattle murder rates identified guns as the major factor contributing to the high rate in the US. (Sloan, 1988) Similarly the observation has been made that people are no less violent in Britain than in the US, they simply do not have access to guns. (Economist, March 1991). Given our cultural links with Britain, such a comparison is not inappropriate.

Handguns are not the only Problem

The current legislation and Bill C-80 treat restricted weapons - handguns and other short barreled guns - far more strictly than other firearms. Restricted weapons require a much more rigorous screening process than non-restricted weapons. The underlying notion is that handguns, by virtue of their concealability, present unique threats, particularly in robberies. However, rifles and shotguns, which are not restricted and are subject to much looser controls, are more often involved in homicides and accidents. Because of their presence in the home and accessibility, they too present a threat. Semi-automatic rifles, which are not restricted, pose additional threats because of their increased power and rate of fire, but are not differentiated in the current or proposed legislation.

Access to Any Guns is an Issue

Gun theft is a problem. In some areas there has been an alarming increase in the use of firearms in crimes such as armed robbery. In addition, the increasing firepower of the weapons involved is a cause for concern to the police. (Mascoll, 1990) According to some police, the majority of weapons used in crimes



are stolen from "legitimate owners". Tom Flanagan, Chief of the Ottawa Police Force, goes so far as to say that "The guns used in crime are guns that were almost 100 per cent legally owned and were stolen" (Vienneau, 1990). There is, of course, no way of tracing non-restricted weapons which are confiscated because no record is kept of the make, serial number etc. At least 50,000 guns have been reported stolen over a 10 year period (RCMP, 1989). It is believed that the number of guns which are stolen is much larger because many guns which are stolen are not reported.

Guns are stolen from dealers. A recent break into a Concord, Ontario shop netted robbers 60 high powered weapons. In May 1990, burglars stole 85 handguns from a store in Oshawa. Guns are also stolen from homes. Police in Toronto, recently broke up a juvenile gun theft ring. (Duncanson, 1991)

Young people steal their parent's guns. In February 1990, a 17 year-old entered a Burlington high school and shot three teenagers with his father's semi-automatic handgun.

Reducing the number of guns in circulation and safe storage would reduce these problems

Guns do not Protect

Some gun owners argue that guns are necessary for self protection. While this is seldom a legitimate reason for legally owning or using firearms in Canada, some people believe that this argument has some basis. In fact virtually the opposite is true. One study showed that for every case of a "self protection homicide" where an intruder was shot and killed, there were 1.3 accidental deaths, 4.6 criminal homicides and 37 suicides involving firearms. Arguments regarding arming for self protection are misleading if not dangerous. (Kellerman, 1986) The claims of the National Firearms Association that arming women will reduce sexual assaults and violence against them are rejected by those knowledgeable about violence against women. (Bossy, in House of Commons, 1991) The police continually caution against carrying weapons for self-defence because of the danger that they will be misused or turned against the owner.

Information is Needed for Effective Control

No one knows how many guns there are in Canada or who has them. Restricted weapons must be registered, so we know that there are almost 1 million handguns in circulation. (RCMP, 1989) Registration of shotguns and rifles is not required. A person who is issued a Firearms Acquisition Certificate (FAC) may buy as many unrestricted guns as he wants. While permits for restricted firearms such as handguns are tied to a specific weapon, the FAC provides no record of a specified firearm nor any control over the number of weapons a particular individual owns. There is no record how many unrestricted firearms are in circulation, but estimates exceed 5 million.

Non-restricted weapons used in the commission of crimes cannot be traced back to their owners unless the records of individual establishments selling guns are searched. Clearly this is inadequate. The absence of such empirical data is also a reason why there are such radically different views of the sources of guns used in crime.



II. GUN CONTROL IMPROVEMENTS NEEDED

SUMMARY

Acquisition Process

- Tighten the screening process for unrestricted weapons. Increase the type of criminal offences which are grounds for denying an FAC and for issuing prohibition orders.
- Raise the age to obtain an Firearms Acquisition Certificate (FAC) from 16 to 18 years of age
- Define legitimate uses of firearms
- Generate the resources necessary to adequately implement these measures

Controls on Firearms and Ammunition

- Add semi automatic weapons to the restricted weapon category but allow them to be used for legitimate activities
- Do not grandfather semi-automatics which have been converted from automatics.
- Ban all assault or paramilitary weapons and guns, with no exceptions
- Develop a registry of all firearms, recording each weapon by type and serial number

Distribution, Sale and Storage

- Define safe storage for unrestricted as well as restricted weapons.
- Require presentation of the FAC, or equivalent, to purchase ammunition

Related Matters

- Enforce mandatory firearms training
- Fund public education on appropriate use of guns
- Conduct research
- Support a National Amnesty of Firearms
- Support Provincial and Municipal Initiatives

ACQUISITION PROCESS

Current Process for Restricted Weapons

Restricted weapons, notably handguns and some assault weapons, require a registration certificate and fairly rigorous screening. Applicants must be at least 18 years of age and information about the firearm, including the type and serial number, is recorded on the certificate. Applicants for restricted weapons must show that they need the weapon to protect themselves (although very few certificates are issued for this reason), for use in a lawful profession or occupation, for use in target practice under the auspices of an approved shooting club or to form part of a gun collection for an applicant who is a genuine gun collector. The permit also restricts where the owner may have his gun.

For restricted weapons, the police conduct a thorough investigation including interviews with the spouse, neighbours and employers, and a visit to the home to determine safe storage. (Metro Police, 1987).

Current Process for Non-Restricted Weapons

However, someone who wants to acquire a non-restricted weapon (typically a rifle or a shotgun), completes a Firearms Acquisition Certificate (FAC) application and is subject to limited control. The FAC is



not a ownership permit but a permit to purchase. One FAC entitles the bearer to purchase as many guns as he wants over a five year period and to keep them without renewing the FAC. The FAC is issued to the applicant and does not record any information about the number or type of guns that it is used to purchase. Those who purchased their guns prior to 1978 did not have to have an FAC.

Applicants are required to indicate whether or not they have been convicted of a criminal offence and whether or not they have suffered from mental illness. The police confirm the former by way of a Canadian Police Information Computer (CPIC.) The legislation states that people convicted within five years of indictable offences within five years involving violence or weapons offences may not be issued an FAC. In some cases prohibition orders are issued. Again these are for indictable offences involving violence and do not include a number of violent offences handled by summary conviction. The police have no legal means for verifying whether or not the statement on the FAC application regarding mental health is accurate.

Given the current fee of \$10, there is little time to do a thorough check and the police seldom refuse FACs. In 1988, according to the RCMP, 158,972 people applied for FACs and fewer than 1% (1454) were refused. (Chapdelaine, 1990) The period for issuing FACs varies from jurisdiction to jurisdiction but they have been issued in as few as two days.

Photo Identification and Signatories

The legislation proposed that applicants provide two references and a photograph. This is an improvement we support along with the police (Crampton, 1987) and mental health professionals (McLaughlin, 1990).

Cooling Off Period

Bill C-80 also proposed a 28 day waiting period before the FAC is granted. While some jurisdictions have, in practice, implemented a cooling off period, it is a welcome addition to the law (Crampton, 1987). Not only would this reduce impulsive purchases of weapons but it would allow the police more time to conduct a thorough investigation, provided necessary resources are made available

Raising the Cost of the FAC

The proposed legislation allowed FAC fees to be adjusted via regulation and proposes an initial increase to \$50. The permit is good for 5 years and there are already provisions for waiving the fee for subsistence hunters. While the increase is large, it will barely cover the cost of administering the program, and when compared to the cost of other licenses and permits, it is hardly exorbitant. We object to the Special Committee Report on Bill C-80 which proposed that the renewal process for an FAC be cheaper and easier. A lot can change in 5 years and the police should be empowered to do a thorough investigation. We maintain that the cost of the FAC should be comparable to the cost of other licenses. Currently in Toronto it is much more expensive to obtain a dog license than an FAC.

Broader range of offences for prohibitions and refusals

The existing and proposed legislation states that it is desirable in the interests of safety to refuse an FAC where it is made to appear to the Firearms Officer that the applicant "has been convicted within five years immediately preceding the date of his application in proceedings on indictment of i) an offence in the commission of which violence against another person was used, threatened or attempted".



According to the Metropolitan Toronto Police Force, most convictions for violent offences are obtained as a result of summary proceeding. (Metro Police 1987) It has been suggested that the period of offences be extended to a period of 10 years and that certain offences handled by summary convictions be included. Serious drug and alcohol offences and theft should also be reasons for refusing FACs. Another anomaly not addressed by existing legislation is that, theoretically, an offender could obtain an FAC on the day that he is released from prison (Crampton, 1987).

We believe that gun ownership is a privilege, not a right, and applicants should have a pristine record in order to obtain an FAC.

Verification of Suitability

Several problems with this process are still evident. The police are not empowered nor do they have the resources to conduct a thorough investigation of an applicant for an unrestricted weapon. In completing the FAC, applicants must indicate whether or not they have suffered from mental illness, but there is no way of confirming their response. A suggestion that, in return for the privilege of gun ownership applicants sign a waiver allowing police to contact their family physician was not incorporated. (Crampton, 1986) In investigating applicants for restricted weapons, the police interview the spouse, neighbors and family in order to assess suitability. We feel that an in-depth investigation is equally appropriate for rifles and shotguns.

Increase the Age For Firearms Acquisition Permit

A 16 year old who cannot vote or drink can buy a gun, without parental consent. In the United States the minimum age to purchase a rifle or a shotgun is 18. Davies has recommended that the age for an FAC should be increased to 21 years. (Davies 1989) We would argue that it should be increased to at least 18 years of age. Under certain circumstances, the authorities currently issue permits to minors and could continue to do so. In addition, the FAC is an acquisition not a usage permit so that younger people would not be prohibited from using guns but they could not purchase them.

Define Legitimate Uses for Guns

There are, no doubt, legitimate uses for firearms. Some Canadian make their livelihoods using them and there are aboriginal rights to consider. There are also responsible hobbyists. The new legislation does not offer any clarification on legitimate purposes for firearms. For example, it has been suggested that there is a need to define and describe a "bona fide" gun collector, because citizens obtain restricted by weapons professing to be collectors (Crampton, 1987) Gun collecting is not a benign hobby like collecting stamps and should be controlled.

Gun clubs can play a role by ensuring that people claiming to need restricted weapons for target shooting are in fact members in good standing of gun clubs. (Crampton, 1987) Davies has gone so far as to suggest that "all applicants should be required by law to specify the reason(s) for applying for a firearm. Such reasons should be written down and witnessed by a notary public." (Davies, 1989) Certainly there should be some requirement that applicants explain the purposes for which they require a gun and there should be a mechanism for determining whether or not these purposes are legitimate.

User Pay Principle

Allowing guns in Canadian society is costly, so adequate resources need to be allocated to provide



controls commensurate with these costs. Although many acknowledge that maintaining a national registry of guns and owners is a sensible requirement, they balk at the expense. The proposed increase in the cost of an FAC, from \$10 to \$50, will barely generate sufficient revenue to cover existing controls let alone the costs of a system which in our opinion is needed to provide adequate control. The user-pay principle makes good sense. (Comite Canadien pour le Controle des Armes, 1990) The costs of providing adequate control need to be determined and passed on to gun users.

CONTROLS ON WEAPONS AND AMMUNITION

The Current Legislation

Prohibited Firearms: In 1978, automatic weapons were prohibited. Automatic weapons are defined as "Firearms capable of firing bullets in rapid succession with one pressure of the trigger." These weapons are illegal unless owned prior to 1978, in which case they can be registered as restricted weapons.

Restricted Firearms: Restricted weapons are those which are not prohibited and have a barrel less than 470 mm long. These include handguns and most assault type weapons, such as the AK-47, as well as automatic weapons owned prior to 1978. According to existing legislation, restricted weapons may not be used for hunting.

Non-restricted Firearms: Other rifles and shotguns are not restricted and may be acquired with an FAC. This includes rifles and shotguns used for hunting and a number of long-barrelled assault weapons.

Proposed Ban on semi-automatics converted from automatic

The new legislation proposed additional restrictions on certain types of weapons. The import and possession of firearms which have been converted from automatic to fire in a semi automatic mode would be banned. As this feature is one which is used to define assault weapons, this provision will go a long way to limit the sale in Canada of assault type weapons which have no legitimate use for hunting. In addition, the Minister has announced that there will be further discussion of the prohibition of specific military and paramilitary weapons.

Several American states, including California and New Jersey, have clearly defined assault type or paramilitary weapons, recognizing the threat that they pose and their lack of legitimate purpose. While the task of defining these weapons is not easy, it can be done. The Alcohol Tobacco and Firearms Administration has issued a report which defines the criteria which should be used including: military appearance, large magazine capacity and semi-automatic versions of a machine gun. Bill C-80 addressed two of these characteristics.

In January 1989, a man entered a Stockton California schoolyard and used an AK-47 to kill 5 students and wound 31 others. While tougher gun control laws were under development, the incident contributed to the support for California's Roberti-Roos Assault Weapons Control Bill. The Bill states that "The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety and security of all citizens of this state... **"assault weapon" generally means a firearm of such a nature and of such a high rate of fire and capacity for firepower that its function as a legitimate sports and/or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings.**" (See appendix III) In New Jersey, the Ruger Mini-14, the type of weapon which was used in the l'Ecole



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Polytechnique murders, is classed as an assault weapon. In March, 1991, almost a year after the students from LEcole Polytechnique presented their petition to the Minister of Justice, a legally acquired AK-47 was used in a triple murder in Calgary. (Howse, April 1 1991) The Solicitor General of Alberta has joined the call for a ban on assault weapons.

A major limitation of the proposed C-80 was that it would have allowed possession of some prohibited weapons to be "grandfathered". In effect, if you own one before the legislation is enacted, you can keep it. Because of the grandfathering clause, there was no provision for removing existing AK47s, Rugers, HK90s or UZIs from circulation. The Canadian Association of Chiefs of Police and a number of the Provincial Firearms Officers argued against grandfathering. (House of Commons, 1990) We recommended that the proposed amnesty on illegal weapons could be used to remove them from circulation and some compensation might be considered, for example, for weapons which could be sold to the military.

The Special Committee on Bill C-80 agreed that assault weapons should be banned and suggested a welcomed tightening up of the grandfather clause. However, it also left the definition of an assault weapon to the Canadian Firearms Advisory Committee and proposed that collectors be exempted from the prohibition, a recommendation to which we object. Gun collecting is not a benign hobby and, in our opinion, there are few legitimate reasons for collecting military weapons. The law should not be framed to protect this pastime.

Restrictions on Magazine Size

In banning large cartridge magazines, Bill C-80 addresses another important threat. While most hunters agree that large magazines are not required, shooting groups have argued that their sports demand larger magazines and we could accept exceptions for legitimate international Olympic sports. The Special Committee recommended increasing the magazine size to a consistent ten for both long guns and short guns and the exemption for certain legitimate target shooters. Again, while it may be that there should be exceptions for legitimate Olympic style sports, there is a risk that any peculiar pastime will qualify. A rigorous definition of "legitimate" sporting events is needed to ensure that the exception does not become the rule.

Restrictions on Semi Automatics

The legislation does not ban semi automatic weapons largely because hunters have argued that these weapons serve a useful purpose. Others are prepared to argue that they are not necessary (Pope, 1990) Nevertheless, we are prepared to accept arguments that there are a large number in circulation and that a ban would pose a hardships to owners. Therefore we recommend that semi-automatics be made restricted weapons, in recognition of the threat which they pose, and that the rigorous screening process and controls currently applied to restricted weapons be extended to them. This will require a modification to the definition of "restricted weapons" as the legislation currently states that restricted weapons may not be used for hunting. A distinction between restricted long guns and short guns might be used.

Definition of Firearms with "Legitimate" Purposes

The legislation does not examine other types of weapons which have dubious uses. For example, a .41 Calibre Super Magnum revolver stolen from a business in Concord " Weighs 8 pounds, has a 14 inch barrel and fires a bullet that can penetrate an engine block" (Lakey, 1990). Not many Canadians hunt



engine blocks. The reasons for allowing such firearms to be sold in Canada should be examined. One gun enthusiast recently retorted that a Magnum .41 was legitimate because it was "required for "silhouette shooting" where the shooters try to knock down 25 lb. steel targets in excess of 100 yards" (Schultz, 1991) We must ask, is silhouette shooting a legitimate target sport? Does this gun belong in Canada?

Gun Registry

Knowledge is an essential component of control and the information available on the number, type and ownership of guns in Canada is inadequate. While restricted weapons can be traced, non-restricted weapons cannot, unless a search of sales records at stores selling weapons is undertaken. Guns as well as owners must be controlled. We need a national gun registry which lists each weapon and its serial number. Requiring one FAC per weapon, specifying the type of weapon and serial number is one approach. (Crampton 1987, Davies 1990) One FAC could be used to record up to a maximum number of firearms. Their type and serial number could be recorded on the FAC as they are purchased. This would also facilitate tracking weapons which are stolen or used in crimes. It would also allow the police some control over "stockpiling" of weapons.

The cost of doing this would not be inconsiderable. However, the cost of allowing firearms in our society is much higher. Currently major metropolitan areas license and track dogs on an annual basis. In Toronto the computerized system operates on a full cost-recovery basis. The number of fatalities from dogs is small compared to gun related deaths.

Despite the fact that registration of all guns was mentioned by a number of witnesses before the special committee and appeared to be supported by a number of committee members during the discussions, there is absolutely no mention of developing a system for registering rifles and shotguns in the Special Committee Report. We find this to be a serious omission, given the amount of discussion focused on it. (House of Commons, 1990 - 1991)

DISTRIBUTION, SALE AND STORAGE

Current Legislation

While the existing legislation does require that applicants for restricted weapons provide evidence of safe storage, it does not define safe storage nor does it apply this requirement to applicants for FACs. Police are not empowered to check on storage of non-restricted weapons. Nor are there guidelines for the type of storage required - a locked cabinet with a glass front is hardly secure.

The existing legislation does require that gun sellers demand presentation of the FAC for both public and private sales, but this is not always done and police investigations into the sale of weapons have turned up numerous violations.

Bill C-80 did not further define or control safe storage for unrestricted weapons.

We believe that safe storage should be defined in the legislation for all firearms. The specific wording should be developed in consultation with experts but the intention should be to ensure that the gun is either locked away or made inoperable in one of several ways. Ammunition must also be securely stored, separate from the gun. While some have gone so far as to suggest that gun owners should sign a waiver allowing the police, without notice, to inspect the weapon and storage at the owners residence once a



year. (Coroners Juries cited in Metro Police 1987, Davies, 1990) others are concerned that this creates a potential for abuse and an administrative nightmare. We believe that if safe storage were at least defined, gun owners would be made legally responsible for the way in which their weapons are stored and the police would have a basis for laying charges for violations.

Problems with the control of gun sellers are evident. Clearly rigorous standards for safe storage of weapons need to be applied to retailers and they should be held liable for thefts resulting from unsafe storage.

Sales

Measures to ensure that dealers adhere to the law in selling weapons must be enforced. Sales of second hand guns do not appear to be strictly controlled. A Toronto paper recently advertised "For sale, AK47 Rifle, 5.56 mm. used once, excellent condition, wood stock, 2 mags, bayonet, amo, sling, cleaning kit." (Buy and Sell, 1990) While restricted weapons permits and FAC's are required by law for private sales, it is not clear that they are checked. This is largely an enforcement issue.

Presentation of the FAC to Purchase Ammunition

It has been suggested that buyers be required to present their FAC in order to purchase ammunition. (Metro Police, 1987) This would make it more difficult for people who had acquired firearms illegally to purchase ammunition. For gun owners who purchased guns prior to the introduction of the FAC, low cost ammunition acquisition certificates (AAC) could be issued or provision for equivalent documents - club memberships, or hunting licenses- could be used. This would serve an additional benefit of providing information about guns which were acquired prior to the legislation. The Special Committee specifically rejected this suggestion as unenforceable without exploring ways in which its objectives could be attained.

RELATED MATTERS

Canadian Firearms Advisory Committee

The announcement of the legislation was accompanied by the formation of the Canadian Advisory Council on Firearms which will provide advice to the Minister of Justice. One responsibility is to provide recommendations regarding which specific military and paramilitary weapons are to be banned and the magazine capacity which should be allowed in the new legislation. While we had argued that this committee should represent the broad interests in Canadians from the perspective of the Canadian public as well as gun owners, the balance of the committee is clearly weighted towards the firearms community. This appears to be largely based on the faulty logic that gun owners are experts on gun control. To make matters worse, the Special Committee on Bill C-80 has recommended expanding the mandate of this unelected committee; a recommendation to which we most strongly object.

Training

The legislation announces improved training programs, in cooperation with gun clubs etc. It has been long suggested that legislation be enacted to make it mandatory for all applicants to undergo a course in gun safety, handling and storage (Crampton 1987) and this has been incorporated into the legislation. We support the need for mandatory training but the costs of administering this training and testing should be borne mainly by gun owners.



Amnesty

Following the prompting of William McCormack, Chief of the Metropolitan Toronto Police Force, and Tom Flanagan, Chief of the Ottawa Police Force, the Minister of Justice promised an amnesty on illegal and unregistered weapons. In 1987 such an amnesty resulted in over 40,000 guns being registered in one month and 7295 illegal weapons being turned in. (Vienneau, 1990) A national amnesty should proceed as soon as is practical.

Research

While it is outside the domain of the legislation, resources are needed to undertake systematic research regarding the use of firearms. Although some studies have been done, much of the evidence is anecdotal in nature. Those with experience have definite opinions regarding the role of stolen weapons, but it would be useful to have more data on this and other issues such as the role of guns in domestic violence. Introduction of a national registry for weapons would, of course, facilitate this.

Both sides of the debate throw around statistics, from sources ranging from the reputable, such as the New England Journal of Medicine (Davies, 1990), to the ridiculous such as Soldier of Fortune Magazine. (Tomlinson cited in Cahill, 1990) One thing is clear, this subject requires further research and methodological refinement. Tracing the origin of weapons used in crime, compiling data from police files, and comparative studies would be valuable.

III THE CULTURAL SIGNIFICANCE OF GUNS

While most Canadians support tougher gun control, attitudes towards guns and their role in society differ. Some Canadians would support a total ban on guns. Others, like CGC have adopted a moderate position, in an effort to accommodate the interests of hunters and target shooters. Many gun owners support increased gun controls. Yet others defend their "rights" and oppose even the mild provisions of Bill C-80. There is, of course, no right to bear arms in Canada but the influence of certain aspects of American culture, is apparent. In examining violence in Canada the influence of culture should not be overlooked.

Both the need and methods for improved gun control seem obvious to many, the gun lobby's rhetoric against gun control is often outrageous and yet is taken seriously. The explanation for this appears to lie in the belief that guns are an essential and legitimate part of our culture. The media reinforces this value system.

One need not be an expert on gender issues to recognize the role of guns in the socialization of boys (see exhibit 1). Guns are featured prominently in "action" movies. The "Western" is an artifact of American culture. According to Michael Kimmel:

"The American as cowboy theme resonates through the history of the United States... The frontier was the place where manhood was tested, where locked in a life or death struggle against the elements and against other men a man truly discovered if he was a real man." (Kimmel, 1987)

The gun fight is, of course, immortalized in a generation of cowboy movies. The hero's prowess with weapons enables him to triumph against all odds. While a detailed analysis is required, it seems evident



that variants of this genre include war movies, "cop" movies and vigilante movies. Certainly these images and the use of guns and violence in the media has contributed to perceptions that guns are used by "heroes". Effective police in American television programs are most often those who shoot the most "bad guys". In the movie Robocop 2, attempts to reason with criminals and shoot later are ridiculed. Gun enthusiast magazines, such Guns and Ammo and Soldier of Fortune Magazine, use these images throughout (see exhibit 3) while ranting endlessly about "commies" and "social worker cops". "An armed society is a polite society" says Jeff Cooper. (Guns and Ammo, January 1991, see appendix III).

Some Canadian gun lobbyists also use this rhetoric. (see appendix IV - Canadian Firearms Association) and advocate the arming of Canadians to prevent crime. Not only is this faulty logic (as Kellerman's study showed) but dangerous.

While Canada does have a long tradition of hunting and even target shooting, this the influence of American cowboy culture is all too apparent. Except in unusual cases, the attachment to assault weapons and high calibre handguns is difficult to understand. They are not used for hunting and they are not ideal for target shooting. There seems to be little rational explanation of the need for these weapons, given the threat they pose. When Don Hinchley, President of Safeguard Canada and a number of target shooting organizations, was asked to explain what anyone in Canada needed an AK-47 for, he replied in effect, "Why does anyone need a Corvette?". (Hinchley in House of Commons, 1990)

There is no doubt that our value system is at the root of violence and that over the long term, efforts must be undertaken to counteract the pervasive effects of violence in the media and to create new images of heroes.

CONCLUSION

The government has tried to accommodate the perceived interests of the so-called firearms community, but it is not compelled to frame legislation in deference to their interests. There is also a mistaken but recurring notion that gun owners are experts on gun control. They may know about guns and they may know about the impact of guns but they are hardly reliable or objective sources on the subject of gun control. (see appendix IV) The police, the physicians, the criminologists and the majority of Canadians have clearly stated their position in support of tougher laws. There is no right to bear arms in this country but we do have a right to effective gun laws.

Wayne Chapman, President of the Canadian Bar Association wrote:

"Section 7 of the Canadian Charter of Rights and Freedoms which guarantees the right to 'life liberty and the security of the person' might be involved to resist restrictions on weapons required, for example, to obtain food. It could also be argued that section 7 provides constitutional support for the regulation of weapons which are a potential threat to the life, liberty and security of others. (Canadian Bar Association, 1991)

A large percentage of Canadians and a larger percentage of women believe that guns are a threat to our



Gun Control

Page 16

life, liberty and security.

Bill C-80 was a step in the right direction, but was clearly an effort to strike a compromise between the general public's interests in safety and the pursuit of leisure activities by gun owners. Additional and stricter controls are needed and would be supported by the majority of Canadians. Canada has much to learn from the experience of the United States, where the struggle against the "Arming of America" is much more difficult. We clearly have an opportunity to decide what we want our country to be and to examine the values which we want our laws to enshrine. Strong gun control is an important start.

About the Author

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